

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

JOON SANG LEE, M.D.)

File No. 16-2008-190251

**Physician's and Surgeon's)
Certificate No. A 36592)**

Respondent.)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

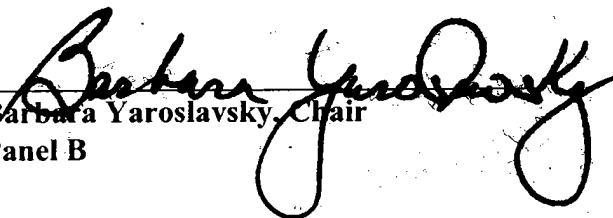
This Decision shall become effective at 5:00 p.m. on March 30, 2009.

IT IS SO ORDERED February 27, 2009.

MEDICAL BOARD OF CALIFORNIA

By:

**Barbara Yaroslavsky, Chair
Panel B**



1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General [SBN 115092]
4 455 Golden Gate Avenue, Suite 11000
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7 Attorneys for Complainant

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9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

) **Case No. 16-2008-190251**
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)

13 **JOON SANG LEE, M.D.**
14 **237 North Loop West**
Houston, TX 77008
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) **STIPULATED SETTLEMENT**
) **AND DISCIPLINARY ORDER**
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15 Physician's and Surgeon's Certificate
16 No. A 36592
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17 Respondent.)
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21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Barbara Johnston (hereinafter "complainant") is the Executive Director of
25 the Medical Board of California and is represented herein by Edmund G. Brown Jr., Attorney
General of the State of California, by Susan K. Meadows, Deputy Attorney General.

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2. Respondent, Joon Sang Lee, M.D. (hereinafter "respondent") is represented herein by Ace Pickens, Esq., Brown McCaroll, L.L.P., 111 Congress Avenue, Suite 1400, Austin, Texas, 78701.

JURISDICTION

3. On or about April 20, 1981, Physician's and Surgeon's Certificate No. A 36592 was issued by the Board to Joon Sang Lee, M.D. (hereinafter "respondent"). Respondent's certificate is delinquent with an expiration date of November 30, 2008.

4. On August 4, 2008, complainant Barbara Johnston, in her official capacity as the Executive Director of the Board, filed Accusation No. 16-2008-190251 against respondent, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and fully understands the charges and allegations contained in Accusation No. 16-2008-190251, and has fully reviewed and discussed same with his attorney of record.

6. Respondent has carefully read and fully understands the contents, force, and effect of this Stipulated Settlement and Disciplinary Order, and has fully reviewed and discussed same with his attorney of record.

7. Respondent is fully aware of his legal rights in this matter including his right to a hearing on the charges and allegations contained in Accusation No. 16-2008-190251, his right to present witnesses and evidence and to testify on his own behalf, his right to confront and cross-examine all witnesses testifying against him, his right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, his right to reconsideration and court review of an adverse decision, and all other rights accorded him pursuant to the California Administrative Procedure Act, the California Code of Civil Procedure, and all other applicable laws, having been fully advised of same by his attorney of record. Respondent, having the benefit of counsel, hereby knowingly, intelligently, freely and voluntarily waives and gives up

1 each and every one of the rights set forth and/or referenced above.

2 8. Respondent admits that cause exists to impose discipline upon his license
3 pursuant to sections 141 and 2305 of the Business and Professions Code. Respondent agrees to
4 be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

5 CONTINGENCY

6 9. The parties agree that this Stipulated Settlement and Disciplinary Order
7 shall be submitted to the Board for its consideration in the above-entitled matter and, further, that
8 the Board shall have a reasonable period of time in which to consider and act on this Stipulated
9 Settlement and Disciplinary Order after receiving it.

10 10. The parties agree that this Stipulated Settlement and Disciplinary Order
11 shall be null and void and not binding upon the parties unless approved and adopted by the
12 Board, except for this paragraph, which shall remain in full force and effect. Respondent fully
13 understands and agrees that in deciding whether or not to approve and adopt this Stipulated
14 Settlement and Disciplinary Order, the Board may receive oral and written communications from
15 its staff and/or the Attorney General's office. Communications pursuant to this paragraph shall
16 not disqualify the Board, any member thereof, and/or any other person from future participation
17 in this or any other matter affecting or involving respondent. In the event that the Board, in its
18 discretion, does not approve and adopt this Stipulated Settlement and Disciplinary Order, with
19 the exception of this paragraph, it shall not become effective, shall be of no evidentiary value
20 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
21 hereto. Respondent further agrees that should the Board reject this Stipulated Settlement and
22 Disciplinary Order for any reason, respondent will assert no claim that the Board, or any member
23 thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated
24 Settlement and Disciplinary Order or of any matter or matters related hereto.

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12. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original documents and signatures and, further, that facsimile copies and signatures shall have the same force and effect as originals.

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 36592 issued to respondent, Joon Sang Lee, M.D., shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4).

Within 60 calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee, for its prior approval, educational program(s) or course(s) which shall not be less than 20 hours to be completed within *one* year from the effective date of this decision. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified, limited to classroom, conference, or seminar settings. The educational program(s) or course(s) shall be at respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test respondent's knowledge of the course. Within one year from the effective date of this decision, respondent shall provide proof of attendance for 45 hours of CME of which 20 hours were

1 in satisfaction of this condition.

2 ACCEPTANCE

3 I, Joon Sang Lee, M.D., have carefully read this Stipulated Settlement and
4 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily,
5 intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's
6 Certificate No. A 36592. I fully understand that, after signing this stipulation, I may not
7 withdraw from it, that it shall be submitted to the Board, and that the Board shall have a
8 reasonable period of time to consider and act on this stipulation after receiving it. By entering
9 into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be
10 publically reprimanded by the Board and shall be required to comply with all of the terms and
11 conditions of the Disciplinary Order set forth above. I also fully understand that any failure to
12 comply with the terms and conditions of the Disciplinary Order set forth above shall constitute
13 unprofessional conduct and will subject my Physician's and Surgeon's Certificate No. A 36592 to
14 disciplinary action.

15 DATED: 2/2/09

16 Joon S. Lee, M.D.
17 JOON SANG LEE, M.D.
Respondent

18 I have read and fully discussed with respondent Joon Sang Lee, M.D., the terms
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

21 DATED: 2/2/09

22 Ace Pickens
23 ACE PICKENS, ESQ.
Brown McCarroll, L.L.P.

24 Attorneys for Respondent

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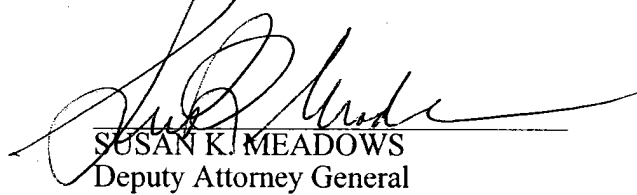
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1 **ENDORSEMENT**

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Medical Board of California of the Department of Consumer
4 Affairs.

5 DATED: 2/9/09

6 EDMUND G. BROWN JR., Attorney General
7 of the State of California

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9 SUSAN K. MEADOWS
10 Deputy Attorney General

11 Attorneys for Complainant

12 Exhibit A: Accusation
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Exhibit A

EDMUND G. BROWN JR., Attorney General
of the State of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
SUSAN K. MEADOWS
Deputy Attorney General [SBN 115092]]
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
Telephone: (415) 703-5552
Facsimile: (415) 703-5480

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 16-2008-190251

JOON SANG LEE, M.D.
237 North Loop West
Houston, TX 77008

ACCUSATION

Physician's and Surgeon's
Certificate No. A36592

Respondent.

The Complainant alleges:

PARTIES

1. Complainant Barbara Johnston is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this Accusation solely in her official capacity.

2. On or about April 20, 1981, Physician's and Surgeon's Certificate No. A36592 was issued by the Board to Joon Sang Lee, M.D. (hereinafter "respondent"). Respondent's certificate is renewed and current, with an expiration date of November 30, 2008.

JURISDICTION

3. This Accusation is brought before the Medical Board of California¹, Department of Consumer Affairs (hereinafter the "Board"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period of not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state,

1. As used herein, the term "Board" means the Medical Board of California. As used herein, "Division of Medical Quality" shall also be deemed to refer to the Board.

1 an agency of the federal government, or another country."

2 4. Respondent is subject to discipline within the meaning of section 141 and
3 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set
4 forth herein below.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Discipline, Restriction, or Limitation Imposed by Another State)

7 5. On or about April 11, 2008, the Texas Medical Board issued a Mediated
8 Agreed Order regarding respondent's license to practice medicine in Texas. The Texas Order
9 contained findings that respondent was a 64 year old diagnostic radiologist. Texas Board
10 representatives determined that portions of respondent's MRI interpretations were not supported
11 by the MRI results. The Texas Board required respondent's practice to be monitored for a period
12 of 18 months. Respondent was required to enroll in and complete a course or courses in cervical
13 MRI and lumbar MRI of at least 12 hours duration.

14 Attached hereto as Exhibit A are true and correct copies of the Mediated Agreed
15 Order and the Complaint issued by the Texas Medical Board.

16 6. Respondent's conduct and the action of the Texas Medical Board as set forth
17 in paragraph 5, above, constitute unprofessional conduct within the meaning of section 2305 and
18 conduct subject to discipline within the meaning of section 141(a).

19 **PRAYER**

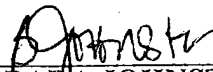
20 **WHEREFORE**, the complainant requests that a hearing be held on the matters
21 herein alleged, and that following the hearing, the Board issue a decision:

- 22 1. Revoking or suspending Physician's and Surgeon's Certificate Number
23 A36592, heretofore issued to respondent Joon Sang Lee, M.D.
- 24 2. Revoking, suspending or denying approval of the respondent's authority to
25 supervise physician assistants;
- 26 3. Ordering respondent, if placed on probation, to pay the costs probation
27 monitoring; and

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4. Taking such other and further action as the Board deems necessary and proper.

DATED: August 4, 2008



BARBARA JOHNSTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

EXHIBIT A

LICENSE NO. E-9766

IN THE MATTER OF
THE LICENSE OF
JOON SANG LEE, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

MEDIATED AGREED ORDER

On the 11 day of April, 2008, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Joon Sang Lee, M.D. ("Respondent").

On May 16, 2006, Respondent appeared in person, with counsel Ace Pickens, at an Informal Show Compliance Proceeding and Settlement Conference. Roger Calhoun represented Board staff. The Board's representatives were Jose Manuel Benavides, M.D. and Paulette B. Southard, members of the Board.

Board staff, Mark Martyn filed a formal complaint at the State Office of Administrative Hearings ("SOAH"). Prior to this matter going to trial the parties agreed to attempt mediation. Jose Benavides, M.D. and Mark Martyn represented the Board at the mediation. During the mediation a tentative settlement was reached.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Mediated Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. E-9766. Respondent was originally issued this license to practice medicine in Texas on December 5, 1977. Respondent is also licensed to practice in California.

3. Respondent is primarily engaged in the practice of diagnostic radiology. Respondent is board certified in this specialty by the American Board of Radiology.

4. Respondent is 64 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. The matters contained in the formal complaint related to eleven patients. A total of fifteen MRIs were reviewed by the Board representatives in those patients' cases.

7. The Board representatives determined that portions of Respondent's interpretations were not supported by the MRIs results.

8. Respondent does not admit any adverse findings and conclusions of law and specifically denies such.

9. Respondent has cooperated in the investigation of the allegations related to this Mediated Agreed Order. Respondent's cooperation, through consent to this Mediated Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Mediated Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against a physician based on a physician's failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

3. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through a Mediated Agreed Order.

4. Section 164.002(d) of the Act provides that this Mediated Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, Respondent agrees and the Board ORDERS that:

For 18 months from the date of entry of this Order Respondent will comply with the following:

1. While under the terms of this Order, Respondent's practice shall be monitored by a physician ("monitor") in accordance with §164.001(b)(7) of the Act. The Compliance Division of the Board shall designate the monitor and may change the monitor at any time for any reason. The monitor shall have expertise in a similar specialty area as Respondent. The Compliance Division shall provide a copy of this Order to the monitor, together with other information necessary to assist the monitor.

a. As requested by the Compliance Division, Respondent shall prepare and provide complete legible copies of selected patient medical and billing records ("selected records"). The Compliance Division shall select records for at least thirty patients seen by Respondent during each three-month period following the last day of the month of entry of this Order ("reporting period"). The Compliance Division may select records for more than thirty patients, up to ten percent of the patients seen during a reporting period. If Respondent fails to see at least thirty patients during any three-month period, the term of this Order shall be extended until Respondent can submit a sufficient number of records for a monitor to review.

b. The monitor shall perform the following duties:

- 1) Personally review the selected records;
- 2) Prepare written reports documenting any perceived deficiencies and any recommendations to improve Respondent's practice of medicine or assist in the ongoing monitoring process. Reports shall be submitted as requested by the Compliance Division; and
- 3) Perform any other duty that the Compliance Division determines will assist the effective monitoring of Respondent's practice.

c. The Compliance Division shall provide to Respondent a copy of any deficiencies or recommendations submitted by the monitor. Respondent shall implement the recommendations as directed by the Compliance Division.

d. The monitor shall be the agent of the Board, but shall be compensated by the Respondent through the Board. Such compensation and any costs incurred by the monitor shall

be paid by Respondent to the Board and remitted by the Board to the monitor. Respondent shall not charge the compensation and costs paid to the monitor to any patients.

2. Within one year of the date of the entry of this Order, Respondent shall enroll in and successfully complete a course or courses in cervical MRI and lumbar MRI of at least 12 total hours in duration, approved in writing in advance by the Executive Director of the Board. To obtain approval for the course, Respondent shall submit in writing to the Director of Compliance for the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.

3. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

4. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to

the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that ten days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Mediated Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30 day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

9. This Mediated Order shall not be considered a restriction on Respondent's license.

10. This Mediated Order resolves all matters discussed at any prior informal conference of the Board or known to the Board at this time, and is intended to compromise and settle all such claims and matters.

11. This Order automatically terminates with completion of six quarterly reports from the chart monitor and compliance with all other provisions of this Order.

12. This is a non-modifiable Order.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS MEDIATED AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, JOON SANG LEE, M.D., HAVE READ AND UNDERSTAND THE FOREGOING MEDIATED AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS MEDIATED AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: February 22, 2008.

Joon S. Lee
JOON SANG LEE, M.D.
Respondent

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
11 day of April, 2008.

Roberta M. Kalafut
Roberta M. Kalafut, D.O., President
Texas Medical Board